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Attorneys for Plaintiff, BASEBALL QUICK, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BASEBALL QUICK, LLC, a New York corporation,

Plaintiff,

vs.

MLB ADVANCED MEDIA. L.P., a Delaware corporation, and DOES 1 THROUGH 5, INCLUSIVE,

Defendants.

Case No. **10 CV 1758 DMS** **WVG**
**COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR
JURY TRIAL (INJUNCTIVE RELIEF
REQUESTED)**

Plaintiff, Baseball Quick, LLC, a New York corporation, for its complaint against Defendant MLB Advanced Media, L.P. hereby alleges as follows:

JURISDICTION AND VENUE

1. This Complaint states causes of action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, and, more particularly 35 U.S.C. § 271.

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1 2. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331
2 and 1338(a) in which the district courts have original and exclusive jurisdiction of any civil
3 action for patent infringement and 28 U.S.C. § 1367 in which the district courts have
4 supplemental jurisdiction over all other claims that are so related to the claims for which the
5 district court has original jurisdiction.

6 3. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

7 **THE PARTIES**

8 4. Plaintiff Baseball Quick, LLC ("Baseball Quick") is incorporated under the laws
9 of the State of New York, and has a regular and established place of business in 185 Cook Road,
10 Massena, New York.

11 5. Upon information and belief, defendant MLB Advanced Media, L.P. ("MLB
12 Advanced Media") is a Delaware limited partnership licensed to conduct and is transacting
13 business in the State of California.

14 **BACKGROUND FACTS**

15 6. Beginning in 2000, the founders of Baseball Quick, George Mockry and Greg
16 Mockry, began development of a method of editing prerecorded baseball games by removing
17 nonessential plays, the finished recording having only those plays in which the game is
18 determined, outs, advances between bases and hits or other baseball plays which advance
19 runners.

20 7. On June 9, 2001, George and Greg Mockry filed a patent application relating to a
21 Method of Recording and Playing Baseball Game Showing Each Batter's Last Pitch with the
22 United States Patent Office ("PTO") and upon which a patent issued as U.S. Patent No.
23 7,628,716 on December 8, 2009 ("the '716 patent"), a true and correct copy of which is attached
24 hereto as Exhibit A.

25 8. George and Greg Mockry executed an assignment of the '716 patent to Baseball
26 Quick on or about February 13, 2010, which assignment was recorded with the PTO on or about
27 February 22, 2010.

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1 9. As per the assignment of the '716 patent, Baseball Quick is the owner of all
2 rights, title and interest in the '716 patent.

3 10. MLB Advanced Media is a related entity to Major League Baseball ("MLB"), a
4 private association headquartered in New York City, New York.

5 11. MLB is an organization that operates the National League and the American
6 League by a joint organizational structure, both leagues consisting of baseball teams at the
7 highest level of professional baseball in the United States and Canada.

8 12. On or about August 1, 2000, Greg Mockry contacted Ethan Orlinsky, an
9 executive for MLB/MLB Advanced Media, about the possibility of MLB using the invention
10 described and claimed in the '716 patent.

11 13. In response to the August 1, 2000 contact, MLB/MLB Advanced Media declined
12 any interest and told George and Greg Mockry to contact MLB Advanced Media/MLB when
13 they had a United States patent.

14 14. Beginning in 2002, MLB Advanced Media/MLB began displaying editorially
15 condensed complete games over the World Wide Web, i.e., the Internet, at the Uniform Resource
16 Locator or URL, www.MLB.com.

17 15. Since 2002, MLB Advanced Media/MLB has continued to display editorially
18 condensed baseball games at www.MLB.com.

19 16. Baseball Quick notified MLB Advanced Media/MLB on or about February 4,
20 2010, of its interest in discussing licensing opportunities with MLB Advanced Media/MLB.
21 MLB Advanced Media/MLB responded to Baseball Quick on or about February 12, 2010, and
22 stated that it did not believe its services applied to the '716 patent. Since that date, MLB
23 Advanced Media/MLB has continued to display the editorially condensed games.

24 **COUNT I – INFRINGEMENT OF U.S. PAT. NO. 7,628,716**

25 For Count I of its Complaint against Defendant MLB Advanced Media, Baseball Quick
26 alleges as follows:

27 17. Each allegation contained in paragraphs 1 –16 above is incorporated by reference
28 as though set forth fully herein.

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1 18. Upon information and belief, MLB Advanced Media has infringed, induced,
2 contributed to, aided and abetted in or directed or controlled the infringement of one or more
3 claims of the '716 patent within the United States without authority of Baseball Quick by making
4 or using or contributing to, inducing or directing and controlling others use of editorially
5 condensed baseball games on the website www.MLB.com under the terms and provisions of 35
6 U.S.C. §271 (a), (b) and/or (c).

7 19. MLB Advanced Media had actual knowledge that the method for displaying
8 editorially condensed baseball games was patented and that the '716 patent was owned by
9 Baseball Quick.

10 20. Despite having actual notice of the '716 patent, MLB Advanced Media continued
11 to make, use or contribute to, induce, or direct and control others to use the website at
12 www.MLB.com to display editorially condensed baseball games, knowingly and willfully
13 infringing the '716 patent.

14 21. MLB Advanced Media will derive and receive from the aforesaid infringement
15 gains, profits and advantages, but in what amount Baseball Quick is not presently informed and
16 cannot set forth, Baseball Quick, by reason of the aforesaid infringement, will be damaged and
17 will be entitled to damages adequate to compensate for the willful infringement by MLB
18 Advanced Media, but in no event less than a reasonable royalty for MLB Advanced Media's use
19 made of the '716 patent as provided under the terms and provisions of 35 U.S.C. §284.

20 22. MLB Advanced Media will continue to infringe or induce, contribute, and/or
21 direct and control others to infringe the '716 patent unless enjoined by this Court.

22 23. MLB Advanced Media willfully and deliberately infringed, induced others to
23 infringe, and/or contributed to the infringement of the '716 patent with full knowledge and
24 wanton disregard of Baseball Quick's rights thereunder, rendering this an "exceptional" case
25 within the meaning of 35 U.S.C. § 285.

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COUNT II – INJUNCTIVE RELIEF

For Count II of its Complaint against Defendant MLB Advanced Media, Baseball Quick alleges as follows:

24. Each allegation contained in paragraphs 1 –23 above is incorporated by reference as though set forth fully herein.

25. The actions of Defendants MLB Advanced Media leave Baseball Quick without an adequate remedy at law for the infringement of the ‘716 patent.

26. Baseball Quick is entitled to preliminary and permanent injunctive relief under the terms and provisions of 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Baseball Quick, LLC requests the following relief:

A. That this Court adjudge and declare that the ‘716 patent is good and valid and owned by Baseball Quick, LLC and infringed by Defendant MLB ADVANCED MEDIA, L.P. and;

B. That this Court preliminarily and permanently enjoin Defendant MLB ADVANCED MEDIA, L.P. and their officers, directors, employees, agents, licensees, servants, successors and assigns, and any and all persons acting in privity or in concert with them from infringing or actively inducing, contributing or directing or controlling others to infringe the ‘716 patent;

C. That this Court award to Baseball Quick, LLC damages adequate to compensate it for Defendant MLB ADVANCED MEDIA, L.P.’s acts of infringement, inducement of infringement, contributing to the infringement or directing and controlling the infringement by or through others of the ‘716 patent complained of herein, together with interest thereon, but in no event less than a reasonable royalty for the use made of the ‘716 patent;

D. That this Court decree that the infringement of the ‘716 patent by Defendant MLB ADVANCED MEDIA, L.P. is and was willful, that this Court award treble damages against Defendant for their willful infringement of the ‘716 patent;

1 E. That this Court order Defendant MLB ADVANCED MEDIA, L.P. to pay
2 Baseball Quick, LLC's reasonable attorneys' fees for this action;

3 F. That this Court order Defendant MLB ADVANCED MEDIA, L.P. pay Baseball
4 Quick, LLC any and all properly chargeable costs for this action;

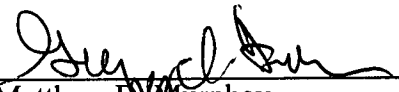
5 G. That prejudgment interest be awarded by the Court from the date suit was filed for
6 any amounts of actual damages; and

7 H. That this Court grant Baseball Quick, LLC such other and further relief as it may
8 deem just and equitable.

9 Respectfully Submitted,

10 Dated: August 23, 2010

GORDON & REES, LLP

11
12 By: 
13 Matthew D. Murphey
14 Gregg I. Anderson
15 Kimberly D. Howatt
16 Attorneys for Plaintiff
17 BASEBALL QUICK, LLC

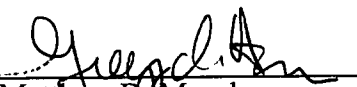
18 **PLAINTIFF'S JURY DEMAND**

19 Pursuant to Rule 28(b) of the Federal Rules of Civil Procedure, Plaintiff Baseball Quick,
20 LLC hereby demands a jury trial of all issues triable to a jury.

21 Respectfully Submitted,

22 Dated: August 23, 2010

GORDON & REES, LLP

23 By: 
24 Matthew D. Murphey
25 Gregg I. Anderson
26 Kimberly D. Howatt
27 Attorneys for Plaintiff
28 BASEBALL QUICK, LLC

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US007628716B2

(12) **United States Patent**
Mockry et al.

(10) **Patent No.:** **US 7,628,716 B2**
(45) **Date of Patent:** **Dec. 8, 2009**

(54) **METHOD OF RECORDING AND PLAYING
BASEBALL GAME SHOWING EACH
BATTER'S LAST PITCH**

(76) Inventors: **George M. Mockry**, 62880 W. Lasalle
Rd., #125, Montrose, CO (US) 81401;
Greg M. Mockry, 185 Cook Rd.,
Massena, NY (US) 13662

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 1845 days.

(21) Appl. No.: **09/878,860**

(22) Filed: **Jun. 9, 2001**

(65) **Prior Publication Data**
US 2003/0060311 A1 Mar. 27, 2003

Related U.S. Application Data

(60) Provisional application No. 60/211,208, filed on Jun.
13, 2000.

(51) Int. Cl.
A63B 67/00 (2006.01)

(52) U.S. Cl. **473/468**

(58) **Field of Classification Search** **473/468**,
473/415-421, 434, 499-501, FOR. 102, 465;
273/317.6, 244.1

See application file for complete search history.

(56) **References Cited**

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Letter dated Aug. 1, 2000 from Greg M. Mockry to Ethan Orlinsky.

* cited by examiner

Primary Examiner—Gene Kim

Assistant Examiner—M Chambers

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **ABSTRACT**

A recorded complete baseball game is condensed into about fifteen minutes of action. All of the at-bat appearances of the players, in turn, are recorded, and then the recorded game is edited to leave only the last pitch thrown to each player, plus any action ensuing after that pitch and any attempts of runners to advance to another base and any other outs, such a runner as being picked off base. Then the recorded edited game is presented to viewers as a condensed game. The condensed game can be presented to subscribers over the Internet, or may be presented on film or as a video recording.

5 Claims, No Drawings

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METHOD OF RECORDING AND PLAYING BASEBALL GAME SHOWING EACH BATTER'S LAST PITCH

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit under 35 U.S.C. 119 of previously filed Provisional application 60/211,208 filed Jun. 13, 2000.

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention broadly relates to a method for reducing the time needed to enjoy a complete baseball game, and especially relates to a method for replaying or rebroadcasting a baseball game in a manner so that the viewer sees only the outcome-determinative actions that occurred during the original game. In particular, this invention relates to a method of condensing the action portions of a baseball game by recording the game on film or video tape, and editing it to retain the action portions, i.e., the last pitch thrown to the batters for each turn at the plate.

2. Description of Related Art

In a baseball game, there are nine players in the field, i.e., on defense, at positions of catcher, pitcher, first base, second base, shortstop, third base, left field, center field and right field. The batting, or offensive, team bats one player at a time, in turn. Each team's half-inning ends when the three outs have been recorded. An out can occur for a given batter only when the batter has struck out or batted the ball into play, although a batter can remain at the plate if a base runner is tagged out, i.e., in a pick-off or if caught stealing. The player (i.e., the batter) can only advance legally to first base and be a base runner as a result of the last pitch thrown to him in a given turn at the plate, i.e., he can hit safely, be awarded a base on balls, be struck by a pitch, or strike out and reach first safely after a dropped or passed third strike. Any runners on base advance under these circumstances or are tagged or forced out. There are other ways a base runner can advance before a batter's turn comes to an end, for example, by stealing base, or on account of a wild pitch or a balk.

During a baseball game, there is considerable time taken during each half inning in which there is only limited action on the field. For example, for a given player's turn at bat, there can be six or more pitches thrown before the player hits the ball into play, strikes out, or walks. In addition, there is often a great deal of time used in pick off attempts and conferences in the infield, and in changing places between half-innings. A nine-inning game can typically last between two and three hours, and sometimes longer.

BRIEF SUMMARY OF THE INVENTION

In accordance with an aspect of this invention, a film or video record is made of each player's turn at bat. The video record, which can be film, digital, or tape, is edited down to retain the last pitch thrown to each player, plus any resulting action for that pitch. This would record each safe base hit, each walk, strike out, sacrifice fly, ground out, etc. Of course, fielding would be recorded, i.e., each put-out, error, double-play, and throw-out. The resulting video record would be about 10 to 15 minutes, showing all the action of the game. Base running activity (i.e., activity that can also result in either an out or advancement of the runner) can also be retained, such as stolen bases and attempted steals, pickoffs,

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rundowns, balks, and wild pitches. Some additional material (e.g., narrative) can be included to explain pitching changes, pinch runners, and other substitutions that may affect play.

DETAILED DESCRIPTION OF THE INVENTION

In accordance with the invention, a film or video record is made of each player's turn at bat. Such a record is conventionally made as part of the original broadcast of most, if not all, professional, i.e., Major League Baseball games. The video record, which can be an analog record, such as film or videotape, or could be a digital record, is edited to retain the last pitch thrown to each player, plus any resulting action for that pitch as part of a consolidated record. Editing of either a complete analog or digital record of a pre-recorded baseball game is well within the skill in the art and requires no elaboration of the editing equipment or techniques. Editing of a digital record would be particularly easy and could be done using commercially available computers and off-the-shelf software. Such a reduced record would include each safe base hit, each walk, strike out, sacrifice fly, ground out, etc of every batter. Of course, the related fielding play associated with the action ensuring from the final pitch to a batter also would be retained as part of the recording e.g., each put-out, error, double-play, and throw-out. The resulting edited record of the baseball game would then be about 10 to 15 minutes, a considerable reduction from the standard 2-5 hours of a typical nine-inning professional baseball game. The edited record, however would show all of the action of the game that contributed directly to the outcome of the game. Base running activity (i.e., activity that can also result in either an out or advancement of the runner) should also generally be retained, such as stolen bases and failed attempted-steals, pickoffs, rundowns, balks, and wild pitches. If desired, some additional material (e.g., portions of an original soundtrack recorded by the announcers at the game or other added narrative) can be included in the edited record to explain pitching changes, pinch runners, and other substitutions that may affect play, as well as other aspects of the recorded action.

The completed (edited) version can be sold on a per-game basis, i.e., through a cable subscription arrangement, or delivered digitally over the Internet to subscribers, perhaps using a password and PIN assigned to the subscriber. The 10 to 15 minute video can also be used by professional scouts and others for purposes of player evaluation. The editing could take place immediately after each play, so that the recorded video could be released to its viewership immediately after the game. Each inning or half-inning can be packed as a unit, if desired. In this case, each pre-recorded inning, or half-inning could be supplied as the game is in progress. Thus, one could follow the game closely in time to when it is actually being played, while requiring only one-two minutes of attention to see all the action. This could increase interest in baseball, by making the game available, on a near-real-time basis, to fans some distance from the ball park, i.e., 75 miles or more. This could also permit satellite viewing of the game at remote locations, without requiring the full bandwidth that is needed for an unedited version or live telecast of the complete game.

The invention does not constitute merely a compilation of the highlights of a particular baseball game. Rather, the invention is directed to making a record of each and every outcome-determinative action that takes place during the complete game, while eliminating all of the action that ultimately does not impact on the outcome.

This procedure and the resulting action video can be used for other sports as well. In track and field, the last attempt or

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heat of each event could be recorded, e.g., the last pole-vault attempt for each athlete competing, and the last twenty meters of each race or heat. The invention would likewise apply in swimming and diving, or in figure skating. In horse racing, the final stretch and finish of each race would be recorded. This invention could also be adapted to baseball-related sports such as fast-pitch softball and cricket. The invention can be applied to net sports, e.g., capturing all game points in a tennis match, and capturing each score in volleyball. This system can also be adapted to show the important action in goal sports such as hockey, lacrosse, basketball, soccer, rugby, and football. The invention can also be used to feature target sports, i.e., to follow all the shots of a given player in golf or in billiards, or every roll in bowling.

The present invention has been described with reference to specific embodiments. However, this application is intended to cover those changes and substitutions that may be made by those skilled in the art without departing from the spirit and scope of the invention.

We claim:

1. A method of providing a subscription for viewing a recorded baseball game in which players from each team appear at bat, and attempt to place a pitched baseball into play and to reach base safely; with players failing to reach base safely being out and players on base attempting unsuccessfully to advance to another base being out; the method com-

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prising: (1) recording each appearance-at-bat for every player and game action resulting from an appearance-at-bat to produce a game recording; (2) editing the game recording of each appearance-at-bat to produce an edited recording by deleting substantially all game action other than (i) game action from a final pitch thrown to each player, (ii) successful attempts of runners on base to advance to another base not associated with the game action resulting from the final pitch and (iii) unsuccessful attempts of the runners on base to advance to another base resulting in and out not associated with the game action resulting from the final pitch; (3) obtaining subscribers for viewing the edited recording and (4) playing or broadcasting the edited recording as a condensed recorded game for viewing by the subscribers.

2. The method of claim 1 wherein the edited recording for a nine-inning baseball game is about 15 minutes.

3. The method of claim 1 wherein said step of playing or broadcasting the edited recording for viewing is conducted over the Internet.

4. The method of claim 1 wherein said step of playing or broadcasting the edited recording for viewing is conducted by playing a videotape recording.

5. The method of claim 1 wherein the edited recording contains audio explaining any substitution of players.

* * * * *

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BASEBALL QUICK, LLC, a New York corporation

DEFENDANTS

MLB ADVANCED MEDIA, L.P., a Delaware corporation and DOES 1 THROUGH 5, INCLUSIVE,

(b) County of Residence of First Listed Plaintiff New York
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant 2010 AUG 23 PM 1:32
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE COURT
LAND INVOLVED.

Attorneys (If Known)

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY [Signature] DEPUTY

(c) Attorney's (Firm Name, Address, and Telephone Number)

Matthew D. Murphey, SBN: 194111; Kimberly D. Howatt, SBN 196921;

Gregg I. Anderson, SBN: 255556;

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10 CV 1758 DMS

WVG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 630 Liquor Laws	<input checked="" type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General			<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	IMMIGRATION		<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 462 Naturalization Application			
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee			
			<input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§§ 1331, 1338(a), 1367, 1391(b) and (c), 1400(b); 35 U.S.C §100 *et seq.*

Brief description of cause:

Patent Infringement, Federal Trade Infringement and Unfair Competition

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 23, 2010

SIGNATURE OF ATTORNEY OF RECORD

GREGG I. ANDERSON

FOR OFFICE USE ONLY

RECEIPT #

17208

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS017208
Cashier ID: mbain
Transaction Date: 08/23/2010
Payer Name: AMERICAN MESSENGER SERVICE

CIVIL FILING FEE
For: BASEBALL QUICK V MLB ADVANCED
Case/Party: D-CAS-3-10-CV-001758-001
Amount: \$350.00

CHECK
Check/Money Order Num: 7113
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.